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Opinion No. 64-23-L
R-124
June 18, 1964

REQUESTED BY: HONORABLE W.W. "SKIPPER" DICK
Superintendent of Public Instruction

OPINION BY: ROBERT W. PICKRELL
The Attorney General

QUESTION: May school districts claim state aid on students
twenty-one years of age but not yet twenty-two
years of age ?

ANSWER: No.

The general charge or superintendency of public schools vested in the school authorities in the absence of express legal provisions, includes the power of determining what pupils shall be received and what pupils rejected. 47 Am. Jur. page 412, Section 155. The statutory provision with which we are here concerned is A.R.S. §15-302 (A) set forth below:

"All schools other than high schools and evening or night schools shall, unless otherwise provided by law, admit children between the ages of six and twenty-one years who reside in the district. A child shall be deemed six years of age if he will reach such age prior to January 1 of the current school year. If a kindergarten is maintained, a child shall be deemed five years of age and eligible for admission to kindergarten if he will reach such age prior to January 1 of the current school year."

Since there is no provision in the law prohibiting admittance of students twenty-one years of age and over, the school district may admit such pupils. The mandatory provision of the statute requires admittance of children between the ages of six and twenty-one years.

However, the fact that the school district admits a student twenty-one years of age or over does not necessarily mean that the district can benefit from state aid. A.R.S. §15-1201 (A) specifically provides that students over twenty-one shall not be eligible

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for state aid.

In determining the intent of our Legislatures and the framers of our Constitution in affording every child the right to have a free education in the public schools in our state, it is the opinion of the Attorney General that this right was intended for those who have not yet reached adulthood. Therefore, the right to state aid for a student shall terminate at the time the student reaches his twenty-first birthday.


ROBERT W. PICKRELL
The Attorney General

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